

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)  
(Bankr. S.D.N.Y.)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

BORDIER & CIE,

Defendant.

Adv. Pro. No. 12-01695 (CGM)  
(Bankr. S.D.N.Y.)

**NOTICE OF APPEAL**

**Part 1: Identify the Appellant(s)**

1. **Name(s) of appellants:** Bordier & Cie SCmA (sued as Bordier & Cie)
2. **Position of appellants in the adversary proceeding that is the subject of this appeal:** Defendant

**Part 2: Identify the subject of this appeal**

1. **Describe the judgment, order or decree appealed from:** Defendant-

Appellant, by its attorneys, hereby appeals under 28 U.S.C. § 158(a)(3) from

the Order Denying its Motion to Dismiss the Complaint, dated July 12, 2022 (ECF No. 106) (the “Order”).

2. **State the date on which the judgment, order, or decree was entered:** The Order was entered on July 12, 2022. A copy of the Order is annexed hereto as **Exhibit A**.

**Part 3: Identify the other parties to the appeal**

The Relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

<b>Defendant-Appellant</b>	<b>Attorneys</b>
Bordier & Cie SCmA (sued as Bordier & Cie)	<b>Allegaert Berger &amp; Vogel LLP</b> John F. Zulack Lauren J. Pincus David A. Shaiman 111 Broadway, 20th Floor New York, NY 10006 212-571-0550 jzulack@abv.com lpincus@abv.com dshaiman@abv.com

<b>Plaintiff-Appellees</b>	<b>Attorneys</b>
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC	<b>Baker &amp; Hostetler LLP</b> David J. Sheehan Torello H. Calvani J’Naia Boyd 45 Rockefeller Plaza

	New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 Email: dsheehan@bakerlaw.com Email: tcalvani@bakerlaw.com Email: jlboyd@bakerlaw.com
--	--

**Part 4: Not Applicable (No BAP in this District)**

**Part 5: Signature**

August 16, 2022

Respectfully submitted,

/s/ John F. Zulack  
ALLEGAERT BERGER & VOGEL  
LLP  
John F. Zulack  
Lauren J. Pincus  
David A. Shaiman  
111 Broadway, 20th Floor  
New York, NY 10006  
212-571-0550  
jzulack@abv.com  
lpincus@abv.com  
dshaiman@abv.com

*Counsel for Bordier & Cie SCmA  
(sued as Bordier & Cie)*

# **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

BORDIER & CIE,

Defendant.

Adv. Pro. No. 12-01695 (CGM)

**ORDER DENYING BORDIER & CIE'S  
MOTION TO DISMISS THE COMPLAINT**

Defendant Bordier & Cie's motion to dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the "**Motion**") came on for hearing before the Court on June 15, 2022 (the "**Hearing**"). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Complaint, and the statements of counsel

at the Hearing, and the Court has issued a memorandum decision, dated June 30, 2022, regarding the Motion (the “**Decision**”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Bordier & Cie to file an answer to the Complaint is September 12, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: July 12, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

---

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**